

Vocational Development of Employees

Abstract

The purpose of my rigorous thesis is to analyse not only general issues of legal regulation of vocational development of employees, but also the issues relating to special regulation concerning some specific categories of employees or tax impacts, due to reach a complexity of this analysis.

This thesis consists of ten chapters, each of them dealing with different aspects of vocational development of employees, especially questions relating to improvement of qualification, upgrading of qualification and qualification agreement. Opening part serves as an introductory part defining the reason for my research, the goals of this paper and representing its structure.

Chapter One characterises the care of human resources in the view of constitutional-law and labour-law regulation. The chapter is subdivided into three parts based on approach to extent of the term “the care of employees” – narrower concept, broader concept and historical concept.

Chapter Two narrows idea of the care of employees into the scope of vocational development of employees. The chapter is composed of six parts. Part One explores the relevant Czech legal regulation and also mentions European Union law. Part Two describes a substance of the term “qualification”. Part Three explicitly specifies forms of vocational development of employees. Part Four, part Five and part Six outline the brief characteristics of induction training, on-the-job training, vocational practice of graduates and professional re-qualification.

Chapter Three examines relevant Czech legislation concerning improvement of qualification. The chapter consists of four parts. Part One explains the concept “improvement of qualification” and its semantic field. Part Two addresses the issue of the rights and the duties of employee arising from improvement of qualification. Part Three deals with the rights and the duties of the contrary side, i.e. of the employer. Part Four mentions an agreement about sharing the costs on improvement of qualification between the employee and the employer.

Chapter Four is subdivided into three parts and explicates the second main subject of this thesis, upgrading of qualification. This chapter is structured in the same way as the previous chapter because of comparison improvement of qualification and upgrading of qualification with one exception – an agreement about sharing the costs is not recognized in this case due to absence of this agreement in legal regulation.

Chapter Five investigates the relevant legal rules relating to qualification agreement. The chapter consists of three parts. Part One presents basic characteristics regarding qualification agreement. Part Two focuses on obligatory requirements and form of qualification agreement and finally the specifics of use of qualification agreement in the case of improvement of qualification are described in part Three.

Chapter Six is concerned with aspects of tax law regulation and its impacts in the case of application of vocational development of employees in practice. Part One illustrates tax incidence on the employer's side and part Two shows the same ones on the employee's side.

The previous chapter is followed by new chapters bringing a substantial increase of the original thesis, as the Chapter Seven is for example devoted to the special regulation of vocational development of employees in case of two specific employee' categories – so that pedagogical employees are mentioned in the Part One and the employees active in medical areas are solved in the Part Two.

Furthermore, the Chapter Eight is dealing with application issues connected with the vocational development being solved in the practice of the Supreme Court of the Czech Republic in recent times – in this context it may be said that a crucial attention is given by courts to qualification agreements.

In the following Chapter Nine the essential characteristics of the legal regulation in neighbour countries are illustrated – this chapter is subdivided into three parts. Each of them is devoted to one country, explicitly to Slovakia, Poland and Germany.

Chapter Ten concentrates on problems resulting from questions of practice during the process of interpretation of some provisions relating to vocational development of employees. The chapter endeavours to point out some important matters and recommends changes to be made

in Czech labour-law legislation, e.g. the possibility of entitlement of the employee to time-off in the case of improvement of qualification, unification of semantic field of the term “upgrading of qualification” and specification of non-mandatory nature of qualification agreement.

Conclusions are summarized in final part, i.e. important recommendations are briefly repeated. The main goals of this paper have been reached in my opinion – the rigorous thesis has focused on the vocational development of the employees more deeply than the previous thesis. This paperwork not only emphasized importance of improvement of qualification and upgrading of qualification, but it also showed specifics of the special regulation concerning certain groups of employees, made explicit recommendations for the relevant legal regulation and highlighted the need of continuous legislative development in that area of labour law.